THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 26327 of 2005

Dated: 14-07-2006

Between:

L.Shiva Bai and three others.

..... PETITIONER

AND

G. Umapathi Rao and another

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 26327 of 2005

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O R D E R:

The petitioners claim to be the legal heirs of late G.Jaswanth Rao, who died on 04-04-2001. It is stated that during his life time, late Jaswanth Rao deposited Rs.1,32,234.88 in the State Bank of India, Shamshirganz, Hyderabad. After his death, the petitioners submitted legal heir certificate to the second respondent-Bank and requested to release the amount in their favour. Accordingly, the amount was released by way of a cheque in the name of all the four petitioners along with the first respondent herein, who is also one of the legal heirs of late Jaswanth Rao. The said cheque was deposited in the respondent-Bank in a joint account. It is stated that the petitioners herein wanted to withdraw their share of the amount, however, the first respondent was not co-operating and refused to sign on the withdrawal form. In the circumstances, the petitioners made a representation dated 15-11-2005 requesting the second respondent-Bank to permit the petitioners to withdraw their respective shares. However, the second respondent-Bank failed to consider their request. Hence, this writ petition.

Despite notice, none appeared for the second respondent and no counter affidavit has been filed.

The material on record shows that the petitioners made a representation before the second respondent long back on 15-11-2005 to permit them to withdraw their respective shares from Account No.10037573237. Since the said representation is still pending, without expressing any opinion on merits, the writ petition is

disposed of with a direction to the second respondent-Bank to consider the representation of the petitioner and take appropriate action in accordance with law. In case there is any objection to permit the petitioners to withdraw their respective shares, the same shall be communicated to the petitioners in writing within two weeks from the date of receipt of a copy of this order. No costs.

G. ROHINI, J

Dated: 14-07-2006
KLP